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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,879	04/20/2000	John Carnahan	47004.000056	5010

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EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT PAPER NUMBER

3628

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/552,879

Applicant(s)

CARNAHAN ET AL.

Examiner

Siegfried E. Chencinski

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MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/12/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 & 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Levine et al. (US Patent 6,233,566 B1).

Re. Claims 1 & 11, Levine anticipates a system and method for multivariable comparison of financial information, comprising: a client interface to a user inputting weightable search information; and a search interface, communicating with the client interface, the search interface operative to interrogate at least one network-enabled information source according to the weightable search information (Col. 5, lines 55-56; Col. 6, lines 34-37, 52-53; Col. 21, lines 24-33; weightable – Col. 22, lines 54-56; Col. 26, lines 5-9; certain criteria – Col. 8, lines 4-6).

Claims 2 & 12, Levine anticipates a system and method wherein the client interface comprises a communications link for transmitting the weightable search information to a transaction server and transmitting the search results to the user (Col. 28, lines 27-42).

Claims 3 & 13, Levine anticipates a system and method wherein the client interface comprises a graphical user interface for displaying at least one of the weightable search information, the search results, and graphical coding objects associated with the search results (Col. 6, lines 52-53, Fig's 7-14).

Claims 4 & 14, Levine anticipates a system and method wherein the client interface comprises a network-enabled connection to a client workstation (Col. 28, lines 27-42).

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Claims 5 & 15, Levine anticipates a system and method wherein the network-enabled connection comprises an Internet connection (Col. 6, lines 34-38, Fig's 2A & 2B).

Claims 6 & 16, Levine anticipates a system and method wherein the weightable search information comprises multivariable financial information (Col. 22, lines 54-56; Col. 26, lines 8-9).

Claims 7 & 17, Levine anticipates a system and method wherein the weightable search information comprises weighting information to be applied to the multivariable financial information to generate a composite results score (Col. 2, lines 38-45).

Claims 8 & 18, Levine anticipates a system and method wherein the weightable search information is modifiable to be applied to the search results (Beginning a new search using modified criteria is an inherent capability of Levine).

Claims 9 & 19, Levine anticipates a system and method wherein the search interface comprises a connection to a relational database (Col. 16, line 48; Col. 27, line 43).

Claims 10 & 20, Levine anticipates a system and method wherein the client interface comprises at least one of keyboard input, voice input, touch pad input, voice output, pointing device input, speech input, biometric input, and graphical output at the client workstation (Client interface devices are inherent components of Levine's system and method).

Response to Arguments

2. Applicant's arguments filed December 12, 2003 have been fully considered but they are not persuasive.

Applicant argues that the Levine reference fails to anticipate ""a client interface to a user inputting weighted search information" (with respect to claim 1 and claims 2-10 depending therefrom), and "receiving weighted search information from a client interface" (with respect to claim 11 and claims 12-20 depending therefrom)" (page 5, lines 3-6).

Applicant is reminded that Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). The claims are rejected in this light.

Levine's anticipation reads on Applicant's claims, particularly claims 1 and 11. Levine anticipates "a client interface to a user inputting weightable search information" and "to interrogate at least one network-enabled information source according to the weightable search information" (claim 1). Levine conducts multivariable loan inquiries (Col. 8, lines 4-6; Col. 13, lines 60-63; Col. 15, lines 53-60; col. 21, lines 24-33). These criteria are weightable and weighting is used in examples cited by Levine. One example of weightable criteria used in Levine are the FICO scores, which are determined by a weightable formula (Col. 14, lines 54-64: "The mortgage bankers can search the available loans on system 200 using various search criteria, either based on the mortgage bankers' pre-set rules, or based on some other criteria, to quickly locate those loans that meet its requirements. For example, if a mortgage banker wants to purchase only loans made to borrowers having a FICO score greater than 600 and an interest rate of 13% or greater, the mortgage banker could use system 200 to search for loans having these criteria. Similarly, the mortgage banker could have pre-set rules, using these criteria, so that they can be notified when such loans, meeting these criteria, are posted for sale.").

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the client interface offers the users the capability to input both conventional quantitative and/or qualitative search variables (such as "at least 15% average annualized return" (page 5, lines 10-11); "the client interface includes the capability to enter weighting criteria, in addition to conventional search information" (page 5, lines 21-22)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

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3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on 703- 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington D.C. 20231

or faxed to:

(703)872-9326 [Before Final communications, labeled "Box BF"]

(703)872-9327 [After Final communications, labeled "Box AF"]

(703) 872-9325 [Customer Service]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th floor receptionist.

SEC

March 8, 2004


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
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